



APPROVAL OF SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH GREINES, MARTIN, STEIN & RICHLAND LLP FOR LEGAL SERVICES

City Council Meeting
July 9, 2019

Sue Gallagher, City Attorney

Background

A lawsuit was served on the City on January 3, 2012 in the matter of Rafael Mateos-Sandoval and Simeon Avendano Ruiz v. County of Sonoma, City of Santa Rosa, et al. (Sandoval/Ruiz) in Federal Court, case number C 18-2151 YGR. The case is a Class Action Complaint for Damages for police vehicle impoundments. The trial court Appellate Court recently affirmed the trial court finding a Constitutional violation, but also affirming trial court denial of class certification. Parties are now considering further appellate review to bring this matter to a conclusion.

Background

A Professional Services Agreement was entered into between the City and Greines, Martin, Stein & Richland LLP on December 9, 2014, for legal services to assist the City of Santa Rosa in the appeal process related to Sandoval/Ruiz. The original agreement had a not to exceed amount of \$50,000. On April 11, 2017, an additional \$50,000 was authorized under the City Manager's authority for the continued handling of the appeal of the pending Federal court class action suit against the City of Santa Rosa.

Analysis

The appeal has proven to be time consuming and complex as it involves a voluminous appellate record, our own appeal, and opposition to the plaintiff's appeal, all of which is further complicated by the pending cross appeals involving the County as well.

Further appellate work will be comparatively minimal as briefing, oral arguments have been concluded. There is a dispute regarding the plaintiffs' claims for attorney's fees and our appellate counsel will be monitoring further appellate relief sought by the County.

Recommendation

It is recommended by the City Attorney's Office that the Council, by resolution, approve the Second Amendment to Professional Services Agreement Number F001382 with Greines, Martin, Stein & Richland LLP in the amount of \$50,000 for a total compensation amount of \$150,000.

QUESTIONS?